

F.A.U.L.K.N.E.R.

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Mr. Benjamin Faulkner ... Fed. No. 90411-083 ...  
 P.O. Box 33 ... The Challenge Program .....  
 United States Penitentiary .....  
 Terre Haute, Indiana 47808-0033 .....

[ January 17, 2023 ]

The United States Court Of Appeals  
 For The Fourth Circuit  
 Office Of The Clerk Of The Court  
 1100 E, Mail Street Suite 501  
 Richmond Virginia 23219

R.e.: Faulkner v. United States, 22-7459

'Enclosed Filing'

Clerk Of Court;


Greetings from the Federal Correctional Complex and United States Penitentiary, located in Terre Haute, in Indiana. Enclosed you will find a Original and a copy of the above and foregoing matter.

Please note the article was mailed useing the 'Prison Mail Box' rule of Houston V. Lack 487 US. 266 ( 1988) as we have not yet began to use the 'Computers' enjoyed by other institutions, in the Federal Syatem and 'Pacer,' is not approved as of yet.

Please file and return one of the documents, or another proof of filing in this matter. And assistance would be great.

Note the BOP has yet to accept the Document as a Legal Envelope dispite the compliance by the clerk.

Respectfully Submitted By;

  
 Benjamin Faulkner

RECEIVED  
2023 JAN 31 PM02:10  
U.S. COURT OF APPEALS  
FOURTH CIRCUIT

Appeal No. 22-7459

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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BENJAMIN FAULKNER  
Appellant / Petitioner

Vs.

UNITED STATES OF AMERICA  
Appellee / Respondent

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APPELLANT'S MOTION FOR EXTENSION OF TIME  
( Fed. R. App. P. Rule (s) And 27 ; And Local Circuit Rules )

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On Petition From The United States District Court  
For The Eastern District Of Virginia  
( 3:22-cv-00073-JAG D.C. )

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\*\*\*\*\*

Submitted By;

Mr. Benjamin Faulkner .... Fed. No. 90411-083

P.O. Box 33 ... United States Penitentiary ...

Terre Haute, Indiana 47808-0033

Appeal No. 22-7459

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IN THE UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

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Benjamin Faulkner  
Appellant / Petitioner,

Vs.

UNITED STATES OF AMERICA,

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MOTION FOR EXTENSION OF TIME

( Fed..R. App. P. Rule 26 (b) )

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COMES NOW, Benjamin Faulkner, In re Pro - Se, and Federal Prisoner  
in the above captioned matter, moves this Court For Extension of Time, to  
March <sup>31</sup> 31, 2023, for the following and foregoing reasons, under Extraordinary  
Circumstances, as follows;

A. Grounds For Motion

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As authorized by Rule 26 (b) of the Federal Rules Of Appellate  
Procedure, the Court is authorized to grant an extension of time, when good  
cause is shown. And the LEAVE to do so. The delay is necessary to allow the  
Appellate time to comply with the rules of the Court, and the limitations to  
the Court Of Appeals, and the Respected Clerk Of The Court. as follows;

1. That Benjamin Faulkner, (Faulkner), is currently a Prisoner at the Federal Correctional Complex,,in the United States Penitentiary located in Terre Haute, in Indiana.

2. That on or about the 10thdate of February, 2023, Faulkner recieved a package from the Clerk of the Court Of Appeals For The Fourth Circuit, which contained the instructions from this Court. However this package was mailed on the 22nd date of December 2022. And the Clerk identified the envelope as "Special Legal Mail", -see- attached .

3. That dispite the Federal Bureau Of Prisons is a branch of the 'Justice Department,'and the fact that Officers open and inspect the article when it is opened, they currently refuse to comply with any other Court of Appeals addressed Special Legal Mail, except the Seventh, stateing "we do not have to comply" with any other Courts. And unless the Clerk Identifies with 'personal Information'. Which does not comply with the Federal Codes of Regulations or Policy.

4. As a direct result of the aforementioned, that Faulkner did not recieve this notification, until after the 10th of February, 20[23]. The Bureau of Prisons refused to deliver the package, until it was convient for the Officer delivering it, as a direct result, Staff stood in the way, -see- Holland v. Florida, 560 US. 631, 639 (2010 ).

5. Faulkner, seeks to -re set- the deadlines, for reasons of Extraordinary conditions,that "Government Stood In The Way", to deliver postal mail, prevented access tothis Court, and its instructions of Appeal.

6. Further, a "Motion To Reconsider", should be pending, as it was filed on the same envelope as the Court's Notice Of Appeal. And has yet to be rulled upon.

## Motion For Extension Of Time

TO THE HONORABLE

JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

FROM: [Name Redacted]

RE: [Case Name Redacted]

DATE: [Date Redacted]

FILE NO.: [File No. Redacted]

BY: [Signature Redacted]

FOR: [Name Redacted]

THE undersigned, [Name Redacted]

being duly sworn, depose and say that [Text Redacted]

the foregoing is true and correct to the best of [Name Redacted]'s knowledge

and belief, and that [Name Redacted] executed the foregoing

motion for extension of time on [Date Redacted]

and that [Name Redacted] is the [Relationship Redacted]

of [Name Redacted]

Subscribed and sworn to before me on [Date Redacted]

at [Location Redacted]

Notary Public in and for the State of [State Redacted]

My commission expires on [Date Redacted]

Notary Public in and for the State of [State Redacted]

Subscribed and sworn to before me on [Date Redacted]

at [Location Redacted]

Notary Public in and for the State of [State Redacted]

My commission expires on [Date Redacted]

7. That Movant / Appellate, simply requests up to and also including March 31, 2023 .. To complete all the tasks, required by this Clerk, as well as this Court.


8. And most recently, An emergency was declared, at the United States Penitentiary, located in Terre Haute, also more specifically within the Challenge as well as Life Connections unit, as a direct result of altercations with 'staff and Inmates', But the Appellate was [ NOT ] involved and as a Direct Result, those Units, ( one which is my program Unit ), was under a lockdown orders, until investigations could be concluded, I was also effected by those lockdowns.

9. As a Direct result of 'both' the [ Lockdowns ], and as well as the [ Mail delivery by staff delay ], the compliance with this Courts Orders, as well as the clerks, could not be met. -see- Holland V. Florida, 560 US. 637,640 ( 2010 ). ("Noteing that although the Lock-down in the 'fight' issue is due to security",that what is not is the serious delay in the BOP, getting the Mail, in other than 'Special ' Legal Mail" Forum. That the delay was not Petitioner's fault, but the result of Staff inthe way preventing responding, ( Legal or otherwise ).

WHEREFORE, for the above and foregoing reasons, and due to the aforementioned conditions beyond the control of the Petitioner, move this Court also under extraordinary circumstances, for an extension of time, and any other relief that this Court deems just, and of course the LEAVE to do so.

Entered this [ 17th ] date of [ Jan ], 2023.

Respectfully Submitted By:

  
Mr. Benjamin Faulkner ... Fed. No. 90411-083 ...  
P.O. Box 33, United States Penitentiary .....  
The Challenge Program  
Terre Haute, Indiana 47808-0033

## CERTIFICATE AND DECLARATION OF SERVICE

~~\*\*\*\*\*~~~~\*\*\*\*\*~~

I Benjamin Faulkner, hereby state that the above and foregoing was placed in the United States Postal Service, Postage Prepaid, on this [ 12<sup>th</sup> ], date of [ Jan ], 20[ 23 ]. By placing the article to be mailed in the hands of a Federal Prison Employee, in the Mail Room, and or from the Unit, and after Officers first verified the mailer, then inspected the article to be mailed, then after verification, and inspection, placed Indigent Postage on the article, then delivering the article to a U.S. Postal Carrier, who delivered the article to the address as listed below, all pursuant to the Federal 'Prison Mail Box Rule', of Houston v. Lack, 487 US. 266 ( 1988 ), a copy was generated to the following;

The United States Attorney Office, AUSA Janet Jin Ah Lee, AUSA Eastern District OF Virginia, 919 Main Street, Suite 1900, Richmond Va. 23219.

Respectfully Submitted;

  
Mr. Benjamin Faulkner

Fed. No. 90411-083

P.O. Box 33


United States Penitentiary

Terre Haute, Indiana 47808-0033



I, Benjamin Faulkner, Fed. No. 90411-083, hereby state that the above and foregoing was previously, prepared and complies with both the word limitations, as well as page restrictions, both found at Fed.R.App. P. Rule 32(f) This Document is limited to [ ] pages, and with the restricted use of a typewriter, a Swintec 2410 CC, with a print wheel as 12 Pt. pitch wheel, and within the [ 15 ] page limits, this document is [ 6 ], pages long.

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Fed. No. 90411-083

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Mr. Benjamin Faulkner ... Fed. No. 90411-083 ...  
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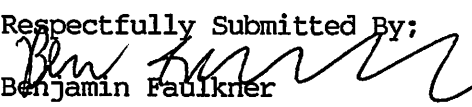
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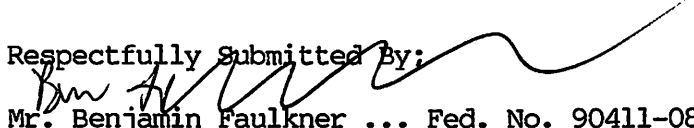
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The Challenge Program  
Terre Haute, Indiana 47808-0033

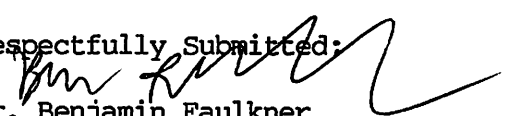
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Respectfully Submitted;

  
Mr. Benjamin Faulkner

Fed. No. 90411-083



Ben Faulkner  
#90411-083  
USP - Terre Haute  
P.O. Box 33

Terre Haute, IN 47808



INMATE  
IDENTIFICATION  
CONFIRMED

~~U.S. District Court~~

~~Eastern District of Virginia~~

~~701 East Main Street Suite 3000~~



~~For Law Clerk, Mr. [illegible]~~  
~~Richmond, VA 23219-3528~~

U.S. Court of Appeals  
For the Fourth Circuit

1100 East Main Street, Suite 501  
Richmond, VA. 23219-3525

RECEIVED  
U.S. MARSHALS